

1 DANIEL J. BERGESON, Bar No. 105439
2 dbergeson@be-law.com
3 MELINDA M. MORTON, Bar No. 209373
4 mmorton@be-law.com
5 MICHAEL W. STEBBINS, Bar No. 138326
6 mstebbins@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

E-FILED - 8/21/08

7 Attorneys for Plaintiff
VERIGY US, INC.

12 || VERIGY US, INC, a Delaware Corporation,

13 Plaintiff,

14 ||| VS.

15 ROMI OMAR MAYDER, an individual;
16 WESLEY MAYDER, an individual; SILICON
17 TEST SYSTEMS, INC., a California
Corporation; and SILICON TEST SOLUTIONS,
LLC, a California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**STIPULATION AND [PROPOSED] ORDER
FOR LIMITED MODIFICATION OF
ORDER RE: MAY 23, 2008 CASE
MANAGEMENT CONFERENCE
HEARING**

Judge: Hon. Ronald M. Whyte
Complaint Filed: August 22, 2007

AND RELATED COUNTERCLAIMS

STIPULATION

24 1. Pursuant to agreement, Plaintiff Verigy US, Inc. (“Verigy”), and Defendants Romi
25 Omar Mayder, Wesley Mayder, Silicon Test Systems, Inc., and Silicon Test Solutions, LLC
26 (collectively “Defendants”), by and through their respective counsel of record, do hereby stipulate
27 and agree, and hereby jointly request, that the Court (a) allow the parties to take the depositions of
28 (i) Honeywell International Inc. (“Honeywell”) pursuant to F.R.C.P. 30(b)(6), (ii) one or more

1 current employees of Honeywell, and/or (iii) another ex-Honeywell employee, Mr. Grenville
2 Hughes, (collectively, the "Honeywell-Related Depositions") at a date or dates to be agreed upon
3 between the parties and counsel for Honeywell and Mr. Hughes in September 2008 after the
4 August 29, 2008 Close of Fact Discovery; and (b) permit the parties to supplement, by September
5 25, 2008, any Expert Disclosures pursuant to F.R.C.P. 26 (a)(2) made on or before September 15,
6 2008 based upon specific evidence obtained from the Honeywell-Related Depositions, because it
7 is anticipated that the Honeywell-Related Depositions will occur after September 15, 2008.

8 2. The parties have each subpoenaed Honeywell for deposition and the production of
9 documents under F.R.C.P. 30(b)(6). The parties and counsel for Honeywell, Anthony Marks, Esq.
10 of Perkins Coie Brown & Bain, originally agreed to a deposition on August 20, 2008 in
11 Minneapolis and to a method for gathering responsive documents. However, in the course of
12 gathering these documents, Honeywell's counsel has advised that there are likely to be in excess
13 of 300MB (roughly 10-20 bankers boxes) of potentially responsive documents, which will not be
14 processed in time for use at the agreed upon deposition date.

15 3. Verigty has also subpoenaed a former Honeywell employee, Mr. Grenville Hughes,
16 who is believed to have information relating to the issues in dispute and to reside in Wavzata,
17 Minnesota, near Minneapolis. The parties' understanding is that Mr. Hughes, who is likely also to
18 be represented by Mr. Marks at his deposition, is unavailable for a late August 2008 deposition
19 due to pre-arranged travel plans out of the country.

20 4. Because of the document production issues, Mr. Hughes' schedule, as well as
21 Honeywell counsel's own travel schedule out of the country for the last two weeks of August
22 2008, the parties would be unable to conduct the Honeywell-Related Depositions prior to the
23 August 29, 2008 fact discovery cutoff.

24 5. The parties and Honeywell counsel have tentatively made arrangements to conduct
25 the Honeywell-Related Depositions over September 16-18, 2008 in Minneapolis.

26 6. The parties also request leave of the Court to permit the parties to supplement, by
27 September 25, 2008, any Expert Disclosures pursuant to F.R.C.P. 26 (a)(2) made on or before
28 September 15, 2008 based upon specific evidence obtained from the Honeywell-Related

1 Depositions, because it is anticipated that the Honeywell-Related Depositions will occur after
 2 September 15, 2008.

3 7. There have been no other modifications of the Court's Order Re: May 23, 2008
 4 Case Management Conference Hearing.

5 8. In light of the foregoing, the parties hereby request that the Court allow the limited
 6 modification of the pre-trial schedule as requested and reflected above.

7 IT SO STIPULATED.

8

9 Dated: August 15, 2008

BERGESON, LLP

10

11 By: _____/s/ _____
 12 Michael W. Stebbins, Esq.
 13 Attorneys for Plaintiff
 14 VERIGY US, INC.

15 Dated: August 15, 2008

RUSSO & HALE, LLP

16

17 By: _____/s/ _____
 18 John Kelley, Esq.
 19 Attorneys for Defendants
 20 ROMI OMAR MAYDER, WESLEY
 21 MAYDER, SILICON TEST SYSTEMS,
 22 INC., and SILICON TEST SOLUTIONS,
 23 LLC

24

25

26

ORDER

27 In consideration of the foregoing stipulation and good cause appearing therefor, IT IS SO
 28 ORDERED.

DATED: _____

29 8/21/08

Ronald M. Whyte
 30

U. S. DISTRICT COURT JUDGE